IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMPMO No. 257 of 2006.

Date of Decision: 25th September, 2006.

Harjinder Kumar and others .. Petitioners.

Versus

The Land Acquisition Collector (Railway) & others. .. Respondents.

Coram

The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.

Whether approved for reporting?[1]

For the petitioners: Mr. Lalit Kumar Sharma, Advocate.

For the respondents: Mr. M.S. Chandel, Advocate General, with Mr. C.B. Singh, Deputy Advocate General.

V.K. Gupta, C.J. (Oral)

I have perused the impugned order passed by the Land Acquisition Collector, Una on 14th March, 2005 and find that he has rejected the petitioners' application filed under Section 28-A of the Land Acquisition Act on the ground of limitation. Undoubtedly, the application for re-determination of compensation was filed beyond the period of three months. Sub-section (1) of Section 28-A (supra) prescribes specifically a period of three months for filing of such an application and proviso to this sub-section clearly itself lays down that the period spent in obtaining the copy of the award shall be excluded while computing the period of limitation. It is conceded by the learned Counsel for the petitioners that Section 5 of the Limitation Act is not applicable or attracted in this case. No interference is warranted. The petition is dismissed.

25th September, 2006 (V.K. Gupta),
(rc) Chief Justice.

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[1] Whether the reporters of Local Papers may be allowed to see the judgment?